

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 16, 2002**

CIVIL                    KIMBERLY DUBONT  
No.                        v.  
G026278                CORNELL UNIVERSITY et al.  
G026598

Order filed. The California Supreme Court has granted Respondents' petition for review and transferred the matter to this court with directions to vacate this court's opinion filed April 11, 2002, and this court's order dated December 16, 1999, and to enter a new order, nunc pro tunc as of December 16, 1999, stating that this court is treating the petition for writ of mandate/prohibition, filed November 1, 1999, as a notice of appeal. This court, on its own motion, hereby orders case numbers G026278 and G026598 consolidated with the case to proceed under case number G026598 hereafter. It is hereby ordered that this court's opinion filed 4-11-02 is vacated. It is hereby ordered that this court's order dated December 16, 1999 is vacated. It is further ordered, nunc pro tunc as of December 16, 1999, that the petition for a writ of mandate /prohibition filed on November 1, 1999 shall be treated as a notice of appeal. Since the notice of entry of the dismissal order was served on October 7, 1999, the notice of appeal filed on November 1, 1999, was timely filed. No party having filed or requested supplemental briefing under California Rules of Court, rule 29.9(f), and the time therefore having expired, there shall be no further briefing in this matter. There shall be no further oral argument.

Sills, P.J.

I concur:        Bedsworth, J.

CIVIL                    LINCOLNSHIRE MANAGEMENT INC. et al.  
No.                        v  
G026727                SENECA INSURANCE COMPANY, INC.

Opinion filed. Judgment affirmed.

Bedsworth, Acting P.J.

We concur:    O'Leary, J.  
                      Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 17, 2002**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., O'Leary, J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL           GINA CATALANO HORGAN  
No.             v.  
G028999       BRIAN HORGAN

Merits. Cause called. Jeffrey W. Doeringer argues for appellant. Steven G. Hittelman argues for respondent. Cause submitted.

CIVIL           RONALD CASTRO  
No.             v.  
G028674       WASHINGTON MUTUAL BANK et al.

Merits. Cause called. Barbara Brown argues for appellants. Alexandria C. Phillips argues for respondent. Cause submitted.

CIVIL           ENEDINA MARTINEZ  
No.             v.  
G026937       Louis Lau, Inc., et al.

Merits. Cause called. Robert J. Younger argues for appellant. Kevin K. Takeuchi argues for respondent Louis Lau Inc. April L. Walter argues for Lau Brothers, Inc. Cause submitted.

CIVIL           MILDRED ALTIERI  
No.             v.  
G028805       BOARD OF RETIREMENT OF THE ORANGE COUNTY EMPLOYEES  
RETIREMENT SYSTEM

Merits. Cause called. Edward L. Faunce argues for appellant. Fred A. Messerer argues for respondent. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 17, 2002 (Cont'd)**

CIVIL           LYNNE RAYBURN  
No.             v.  
G027593       THE VONS COMPANIES, INC.  
G027955

Merits. Cause called. Marie D. DiSante argues for appellant. Michelle Reinglass argues for respondent. Appellant to file a supplemental brief by October 1, 2002. Respondent to file a supplemental brief by October 8, 2002. Appellant may file a reply by October 15, 2002. Cause to be submitted on October 15, 2002.

CIVIL           ALEX MERUELO et al.  
No.             v.  
G026423       MARCUS & MILLICHAP REAL ESTATE INVESTMENT BROKERAGE

Merits. Cause called. Robert J. Stumpf, Jr., argues for appellant. Bruce A. Broillet argues for respondent. Cause submitted.

CIVIL           FERNWOOD MOBILEHOME PARK et al.  
No.             v.  
G029345       GENE ALMEYDA et al.

Merits. Cause called. Arthur Grebow argues for appellants. Richard L. Spix argues for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 17, 2002 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., O'Leary, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL            ROMERO GENERAL CONSTRUCTION CORP.  
No.                v.  
G028250        FOOTHILL/EASTERN TRANSPORTATION CORRIDOR

Merits. Cause called. Donna Bader argues for appellant. Stephen N. Roberts argues for respondent. Cause submitted.

CIVIL            PROFESSIONAL DETAILERS, INC.  
No.                v.  
G029328        GREGG HEMMERICK et al.

Merits. Cause called. Larry L. Hines argues for appellant. Debra Grimaila argues for respondents. Cause submitted.

CIVIL            NADIA M. MIKHAIL  
No.                v.  
G029403        STEVEN GOURLEY, as Director, etc.

Merits. Cause called. Paul J. Majors argues for appellant. Brian D. Vaughan, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL            BES SALES (CAYMAN) LTD.  
No.                v.  
G029184        J.D. COMPONENTS, CO., LTD. et al.

Merits. Cause called. Kent B. Goss argues for appellant. Steven L. Hogan argues for respondents. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 17, 2002 (Cont'd)**

CIVIL            BES SALES (CAYMAN) LTD.  
No.                v.  
G029734        REDLOFF INTERNATIONAL, INC., et al.

Merits. Cause called. Kent B. Goss argues for appellant. John W. Cochrane was not allowed to argue for respondents. Respondents did not file a respondents' brief. Cause submitted.

CIVIL            ORANGE COUNTY SOCIAL SERVICES AGENCY  
No.                v.  
G030271        AARON A. et al.

Merits. Cause called. Roni Keller argues for appellant Parisa A. Sylvia Paoli associated in and argues on behalf of Kathleen M. Mallinger for appellant Aaron A. Ward Brady, Deputy County Counsel argues for respondent. Marsha F. Levine joins respondent's argument for the minors. Roni Keller to file a supplemental letter brief by September 24, 2002. Ward Brady, Deputy County Counsel to file a supplemental letter brief by September 30, 2002. Cause to be submitted on September 30, 2002.

CIVIL            CROW IRVINE #2  
No.                v.  
G028611        WINTHROP CALIFORNIA INVESTORS LIMITED PARTNERSHIP  
G029013

Merits. Cause called. Phillip R. Kaplan argues for appellant and respondent. Frederic D. Cohen argues for respondent and appellant. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 17, 2002 (Cont'd)**

CIVIL No. G026598	KIMBERLY DUBONT et al. v. CORNELL UNIVERSITY et al.	Not for publication
	Opinion filed. Order reversed and remanded.	
	We concur: Sills, P.J. Bedsworth, J.	Moore, J.
CRIM No. G028006	THE PEOPLE v. JOHN JEFFREY VALDEZ	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Bedsworth, J. O'Leary, J.	Rylaarsdam, Acting P.J.
CRIM No. G029362	THE PEOPLE v. EDWARD VILLELA MEDINA	Not for publication
	Opinion filed. Judgment affirmed.	
	We concur: Sills, P.J. Bedsworth, J.	Rylaarsdam, J.
CIVIL No. G029551	HEAD & ENGQUIST EQUIPMENT LLC v. VEGA TRANSMISSIONS, INC.	Not for publication
	Opinion filed. Order affirmed.	
	We concur: Moore, Acting P.J. Aronson, J.	Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 18, 2002**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL           DEBORAH HARDIN  
No.             v.  
G027988       RICHARD HANSEN et al.

Merits. Cause called. James D. Savage argues for appellants. R. Jeffrey Neer argues for respondent. Cause submitted.

CIVIL           WILLIAM REHM  
No.             v.  
G028059       TED PENCE

Merits. Cause called. Ralph Rogari argues for appellant. Tioni A. Phan argues for respondent. Cause submitted.

CIVIL           JASON SPARKS  
No.             v.  
G028468       INTERNATIONAL DATA GROUP INC. et al.

Merits. Cause called. Steven W. O'Reilly argues for appellant. John R. Reese argues for respondents. Cause submitted.

CIVIL           STACEY A. DETELS  
No.             v.  
G026587       FARMERS INSURANCE EXCHANGE

Merits. Cause called. Edward L. Xanders argues for appellant. Mark D. Margarian argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 18, 2002 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CRIM	THE PEOPLE
No.	v.
G028158	ANDREW LESKY

Merits. Cause called. Robert W. Gehring argues for appellant. Laura Stilwell, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL	PANYIOTIS KATELARIS et al.
No.	v.
G028733	JULIUS P. AROCHA

Merits. Cause called. Richard V. McMillan argues for appellants. No appearance made by Gregory Grantham for respondents. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G028337	LEONARDO CASTELAN et al.

Merits. Cause called. Russell Babcock argues for appellant Leonardo Castelan. No appearance made by Gregory Marshall for appellant Miguel Castelan. Cause submitted.

CRIM	THE PEOPLE
No.	v.
G028925	WILLIAM JOSEPH HORN

Merits. Cause called. Richard Schwartzberg argues for appellant. Maxine Cutler, Deputy Attorney General argues for respondent. Cause submitted.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 18, 2002 (Cont'd)**

CIVIL            FIGHTERTOWN ENTERTAINMENT INC.  
No.                v.  
G025340        ROBERTSON, STEPHENS & COMPANY

Merits. Cause called. Paul A. Traina argues for appellant. Thomas M. Peterson argues for respondent. Cause submitted.

CIVIL            PATRICIA G. et al.  
No.                v.  
G030813        ORANGE COUNTY SUPERIOR COURT;  
                     ORANGE COUNTY SOCIAL SERVICES AGENCY et al.

Merits. Cause called. Lawrence A. Aufill argues for petitioner. Ward Brady, Deputy County Counsel argues for real party in interest. Linda O'Neil argues for the minors. Ted Youmans argues for real parties in interest Mark and Rhonda F. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 19, 2002**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL            DONALD WRIGHT  
No.                v.  
G029252        LOCAL FAVORITE INC. et al.

Merits. Cause called. Paul J. Shardlow argues for appellants. John E. O'Brien, Jr., argues for respondent. Cause submitted.

CIVIL            RANDALL B. OLSON  
No.                v.  
G029193        CITY OF HUNTINGTON BEACH

Merits. Cause called. Motaz M. Gerges argues for appellant. Lee S. Burke argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 19, 2002 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Bedsworth, J., and Aronson, J. M. Urena, Deputy Clerk attending.

CIVIL            ORANGE COUNTY SOCIAL SERVICES AGENCY  
No.                v.  
G030629        ALFREDO E.

Merits. Cause called. Roni Keller argues for appellant. Mark R. Howe, Deputy County Counsel argues for respondent. Stephen S. Buckley argues for the minor. Cause submitted.

CIVIL            STEWART NATIONAL ORDER CENTER, INC.  
No.                v.  
G029522        BANK OF AMERICA

Merits. Cause called. Stephen B. Maseda argues for appellant. No appearance made by counsel for respondent. Cause submitted.

CIVIL            WATERCLOUD BED CO., INC. et al.  
No.                v.  
G022774        AETNA CASUALTY & SURETY CO.  
G023026

Merits. Cause called. Todd A. Picker argues for appellant. Byron S. Hollins argues for respondent David Gauntlett. Christopher Mulder argues for respondents Daniel Callahan and Callahan & Gauntlett. Jim P. Mahacek argues for respondents Callahan & Gauntlett and Richard La Bianco. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 19, 2002 (Cont'd)**

CIVIL No. G028734	MAILLE COLE v. STEVEN GOURLEY, as Director, etc.	Not for publication
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Opinion filed. Judgment is affirmed.

Aronson, J.

We Conclude: O'Leary, Acting P.J.  
Moore, J.

CRIM No. G028823	In re JAMES GREEBE REEVES on Habeas Corpus	Certified for publication
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Opinion filed. Order granting the writ is affirmed.

Sills, P.J.

We Concur: Rylaarsdam, J.  
Bedsworth, J.

CRIM No. G029060	THE PEOPLE v. ELIO LOPEZ HARRISON	Not for publication
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Opinion filed. Judgment is affirmed.

Fybel, J.

We Concur: O'Leary, Acting P.J.  
Moore, J.

CRIM No. G029176	In re ALBERT YEPEZ on Habeas Corpus.
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Order filed. The submission order filed on 9-21-02, is hereby VACATED, and the order to show cause previously issued by this court is DISCHARGED. Good Cause Appearing, it is ORDERED that respondent SHOW CAUSE before The Orange County Superior Court, Department 1, located at 700 Civic Center Drive, West, Santa Ana, CA., at a time and place designated by that court, why should not be granted.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 19, 2002 (Cont'd)**

CRIM	THE PEOPLE	Not for publication
No.	v.	
G029286	GABRIEL H.	

Opinion filed. Order is affirmed.

Fybel, J.

We Concur: O'Leary, Acting P.J.  
Moore, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G029686	FRANCO DE ROBBIO	

Opinion filed. Judgment is affirmed as modified, and remanded for resentencing.

By the Court

Before Sills, P.J., O'Leary, J., and Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 20, 2002**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., Bedsworth, J., Aronson, J., and Fybel, J. T. Cajigal, Deputy Clerk attending.

CIVIL           RONALD CHANG et al.  
No.             v.  
G029114       SUMEC HARDWARE & TOOLS CO. et al.

Merits. Cause called. Lee G. Werner argues for appellant. Henry S. David argues for respondent. Cause submitted.

CIVIL           VIKKI LEONE SHANNON  
No.             v.  
G030076       STEVEN GOURLEY, AS DIRECTOR OF THE DEPARTMENT OF  
MOTOR VEHICLES of the STATE OF CALIFORNIA

Merits. Cause called. Robert Livingston Bullock argues for appellant. Mark R. Beckington, Deputy Attorney General argues for respondent. Cause submitted.

CIVIL           TRAVELMAX INTERNATIONAL INC. et al.  
No.             v.  
G028705       GERALD KELLY et al.

Merits. Cause called. Ernest A. Martz argues for appellant. Christopher G. Piety argues for respondent. Cause submitted.

CIVIL           VALERIE BIAS  
No.             v.  
G029720       MICHELLE WRIGHT

Merits. Cause called. Gina Linthicum argues for appellant. Ravi Sudan argues for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 20, 2002 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., and O'Leary, J. M. Urena, Deputy Clerk attending.

CIVIL            GREGORY SERIO etc.  
No.                v.  
G030164        ORANGE COUNTY SUPERIOR COURT;  
G030165        RUSS HILL and LISA HILL

Merits. Cause called. Henry S. David argues for petitioner. Heidi S. Leis argues for real party in interest Russ Hill. Gary Ganchrow argues for real party in interest Lisa Hill. Matters argued together but are not consolidated. Cause submitted.

CIVIL            LYNNE VOIGHT  
No.                v.  
G025438        MERCURY CASUALTY CO.

Merits. Cause called. Stanton T. Mathews argues for appellant. Thomas J. Dowling argues for respondent. Cause submitted.

CIVIL            WILLIAM B. BUNKER  
No.                v.  
G029383        COUNTY OF ORANGE

Merits. Cause called. Robert A. Julian argues for appellant. Marianne Van Riper, Deputy County Counsel argues for respondent. Cause submitted.

CIVIL            JAMES J. LOCKSHAW et al.  
No.                v.  
G029533        ROHR, INC., et al.

Merits. Cause called. Elwood Lui argues for appellant and cross-respondent. William B. Hanley argues for respondents and cross-appellants. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
September 20, 2002 (Cont'd)**

CIVIL	SAN DIEGO WATERCRAFTS, INC.	Certified for publication
No.	v.	
G025980	WELLS FARGO BANK, N.A., as Trustee, etc.	
G026841		

Opinion filed. Judgment reversed.

Rylaarsdam, J.

We concur: Sills, P.J.  
Bedsworth, J.

CRIM	THE PEOPLE	Not for publication
No.	v.	
G028289	ROBERT SCOTT DAY	

Opinion filed. Judgment affirmed.

Rylaarsdam, Acting P.J.

We concur: O'Leary, J.  
Fybel, J.

CIVIL	BRYAN JOHNSTON	Not for publication
No.	v.	
G028586	NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT et al.	

Opinion filed. Judgment reversed.

Bedsworth, Acting P.J.

We concur: Aronson, J.  
Fybel, J.

CIVIL	ORANGE COUNTY SOCIAL	Not for publication
No.	SERVICES AGENCY	
G030541	v. OLIVIA S.	

Opinion filed. Judgment affirmed in part and reversed in part.

Bedsworth, Acting P.J.

We concur: Aronson, J.  
Fybel, J.